

# EMPLOYMENT OPPORTUNITY

RPA #	<b>001 – CRC</b>
ANALYST'S INITIALS	<b>MH</b>
DATE	<b>03/03/11</b>

<b>CLASS TITLE</b> <b>Voting Rights Act Attorney</b>	<b>POSITION NUMBER</b> <b>786-100-xxxx-xxx</b>	<b>TENURE</b> <b>Limited Term</b>	<b>TIME BASE</b> <b>Full Time</b>	<b>CBID</b> <b>E</b>
<b>OFFICE OF</b> <b>Citizens Redistricting Commission</b>	<b>LOCATION OF POSITION (CITY or COUNTY)</b> <b>Sacramento</b>			<b>MONTHLY SALARY</b>  <b>\$10,672</b>  <b>TO</b>  <b>\$11,554</b>
<b>SEND APPLICATION TO:</b>  <b>Kirk E. Miller</b> <b>Chief Counsel</b> <b>Citizens Redistricting Commission</b> <b>1120 K Street, Suite 101</b> <b>Sacramento, CA 95814</b>	<b>REPORTING LOCATION OF POSITION</b> <b>1130 K Street, Suite 101, Sacramento, CA</b>			
	<b>SHIFT AND WORKING HOURS</b> <b>DAYS: 8:00 a.m. – 5:00 p.m.</b>			
	<b>WORKING DAYS, SCHEDULED DAYS OFF</b> <b>MONDAY through FRIDAY, DAYS OFF: SAT/SUN</b>			
	<b>PUBLIC PHONE NUMBER</b> <b>916 322-3775</b>	<b>PUBLIC PHONE NUMBER</b>	<b>POST &amp; BID FILE BY:</b>	
	<b>SUPERVISED BY AND CLASS TITLE</b> <b>Kirk E. Miller, Chief Counsel</b>			<b>FILE BY</b> <b>03/14/11</b>

The Voters FIRST Act states, "The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Government Code Section 8252 to the hiring of staff to the extent applicable." As such, individuals seeking employment with the Commission should read the *Guidance on Conflicts of Interest*, attached.

**SELECTION CRITERIA - The selection criteria will be in the following order:**

- SROA/Surplus eligibles will be considered prior to other recruitment methods.
- Transfers or reinstatements may be considered. Consideration may be given to applicants who are on a DGS employment list or on another department's employment list. Transfer of list eligibility must meet the criteria to transfer the eligibility from the other department's employment list to DGS' employment list.
- Applications will be evaluated based on eligibility and desirable qualifications and interviews may be scheduled.

**ESSENTIAL FUNCTIONS**

The CRC is seeking qualified counsel with experience in Redistricting to provide legal advisory services, as necessary, related to Redistricting based upon the 2010 census. (The CRC is not seeking proposals for litigation, however, those responding are encouraged to provide a description of their Redistricting litigation experience as part of the response.) The required legal services may include, but will not be limited to: advisory support of the CRC throughout the Redistricting process based upon the 2010 census. This may include, but is not limited to: review of documents, including proposed district maps, review and preparation of legal memoranda related to applicable legal issues, advice to the CRC and CRC staff and consultants, and attendance from time to time at CRC meetings throughout the State.

Each applicant shall perform legal services in each of the areas described below:

- Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to Redistricting Activities.
- Advise the CRC and CRC staff and consultants as to procedures, legality of documents, policy concerns, and legal implications concerning the Redistricting Activities, including consultative work with respect to drawing the lines for the districts.
- Advise the CRC and CRC staff and consultants regarding the requirements of State and Federal laws relevant to Redistricting Activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act., including but not limited to issues with respect to "racial gerrymandering" and appropriate population analysis in "majority/minority districts."

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### **ESSENTIAL FUNCTIONS (Continued)**

- Advise the CRC and CRC staff and consultants of litigation risks associated with Redistricting Activities and approaches to limit such risks.
- Attend various CRC public meetings and hearings as requested by the CRC.

### **KNOWLEDGE, SKILLS AND ABILITIES**

Knowledge of: Legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; trial and hearing procedure and rules of evidence.

Ability to: Perform research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; present statements of fact, law, and argument clearly and logically; draft statutes; prepare correspondence involving the explanation of legal matters; analyze situations accurately and adopt an effective course of action.

### **DESIREABLE QUALIFICATIONS**

It is anticipated the Voting Rights Act Attorney will be a highly competent, organized and experienced professional with a demonstrated track record. Such overall ability requires possession of most of the following specific knowledge and abilities:

- Knowledge of the organization and functions of California State Government including the organization and practices of the Legislature and the Executive Branch.
- Demonstrated extensive experience and expertise in implementation and enforcement of the Federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following).
- Understanding of the scope and purpose of the Commission.
- Experience advising public commissions, boards, agencies or departments.
- Ability to recognize and understand the political environment and consequences of actions.
- Ability to work in a fast-paced environment, prioritize and adapt to evolving priorities.
- Ability to develop and maintain cooperative working relationships with all those contacted through the course of work.
- Ability to represent the Commission effectively internally, before the Legislature, and with the public.
- Excellent organizational skills and demonstrated ability to plan and act independently.
- Willingness to travel and to work irregular hours with limited notice.
- Knowledge of the use of computers and basic office software programs such as word processing, spreadsheet, and mapping programs.
- Qualified applicants should have experience in all aspects of Federal, and California ("State") laws in this area, including but not limited to: the Voting Rights Act, the California Elections Code, the Voters First Act, the Bagley-Keene Act, and relevant Federal and State case law.

## **Guidance on Conflicts of Interest (Government Codes 8252 and 8253)**

The clear intent of the Voters FIRST Act (Act) is to establish a Citizens Redistricting Commission (Commission) whose work is open to public scrutiny and whose members are as free from partisan political influence as possible. To achieve that goal, the Act makes certain individuals ineligible to serve on the Commission. This document describes how these requirements operate. Individuals who are completing the supplemental application should read this information before completing the questions related to **Immediate Family Information**.

**Limitations based on activities prior to applying:** the Act makes an applicant ineligible to serve on the commission if, during the 10 years immediately prior to the date of applying to serve on the commission, the applicant or a member of his or her immediate family as defined for this purpose, have engaged in any of the following political activities:

- Been appointed by the Governor, a member of the Legislature, or a member of the State Board of Equalization to any California state office;
- Held an appointed California state office at the pleasure of the Governor, a member of the Legislature, or a member of the State Board of Equalization;
- Been elected to, or a candidate for any California state office;
- Been appointed by the Governor, elected to, or a candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- Served as an officer, employee, or paid consultant of a political party operating in California;
- served as an officer, employee, or paid consultant of the campaign committee of a candidate for elective state office in California or for a seat in the United States Senate or House of Representatives that is elected from California;
- Served as an elected or appointed member of a central committee of a political party operating in California;
- Been a lobbyist registered with the United States Senate, the United States House of Representatives, the California Secretary of State, or any local jurisdiction within California;
- Been employed by and received compensation from the Congress of the United States to provide services to a member elected from California;
- Been employed by and received compensation from the Legislature or the State Board of Equalization;
- Contributed \$2,000 or more during any calendar year to any candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- Contributed \$2,000 or more during any calendar year to any candidate for California elective state office or any regional, county, municipal, district, or judicial office in California that is filled by an election.

To understand how these limitations operate, it is extremely important to understand what the phrase **member of his or her immediate family means**. This phrase has been given a somewhat unique meaning for purposes of the Act. A member of an applicant's immediate family is an applicant's spouse, registered domestic partner, parent, child, sibling, or in-law (which includes the applicant's father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law through marriage or domestic partnership) with whom the applicant has a special, or bona fide, relationship. A person has a bona fide relationship with a member of his or her family member if any of the following are true:

- Within the preceding 12 months: the applicant and family member have cohabited for a period or periods totaling 30 days or more;
- Within the preceding 12 months, the applicant and family member have shared ownership of any property having a value of \$1,000 or more;

- Within the preceding 12 months, the applicant has given to or received from the family member a financial benefit or benefits totaling \$1,000 or more.

This means that an individual is ineligible to serve on the commission if a member of his or her immediate family, with whom the individual has a special relationship, based on one or more of the three factors listed above, has engaged in the political activities listed above.

**Limitations based on current relationships:** certain individuals, because of their employment, contractual, or familial relationship to certain public officials, are not eligible to serve on the commission, as follows:

- Any person who serves as staff or as a consultant to, or is under contract with the governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to serve on the commission;
- Any person who has an immediate family relationship with the Governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to serve on the commission.